IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)
MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 6829 of 2002

Between:

M/s. Crystal Pure Drinking Water Suppliers,

Behind New Bus Stand, Venkateswara Colony,

Neredicherla village and Mandal, Nalgonda District

Rep. by its Managing Partner-Sk.Hussain,

S/o.Janimia, aged 43 years.

..... PETITIONER

AND

1. The Secretary, Ministry of Health & Family Welfare, Department of Health, Government of India, New Delhi.

2. Food Inspector, Division-II, Govt. of A.P., Food Health Admn. 6-1-88, Vidyanagar, Nalgonda, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the impugned Notice dt.22.03.2002. In spite of this Hon'ble Court granting stay of G.S.R.No.202(E) dt.21.03.2001 & G.S.R..No.759 (E), G.S.R.No.760(E) dt.29.09.2000 in W.P.M.P. No.8925/2001, in W.P.No.7032 of 2001 dt.15.04.2001 directing the petitioner to stop manufacturing of Mineral Water/packaged drinking water without B.I.S. Certification is illegal, arbitrary, capricious, unwarranted, violative of principles of natural justice and also violative of the Fundamental Rights guaranteed under Articles 19(g) and 21 of the Constitution of India, and also violative of Section 14 of the Bureau of Indian Standards Act, 1986 and consequently to direct the respondents not to insist for compulsory B.I.S. Certification for carrying on the Unit of the petitioner.

Counsel for the Petitioner: MR.T.UMADHAR RAO

Counsel for the Respondent No.1: Ms. P.Sarada, Addl. Standing Counsel for the Central Government.

Counsel for the Respondent No.2: GP FOR MEDICAL HEALTH & FAMI.WELFARE

The Court made the following :

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ORDER:

It is represented by the learned Counsel for the petitioner as well as the learned Additional Standing Counsel appearing for the first respondent that the issue raised in this writ petition is squarely covered by the ratio laid down by the Division Bench of this Court in ***Krishna Foods & Acqua Minerals, Nallajerla, West Godavari v. Govt. of India, Dept. of Health***

2. In view of the law laid down in the said decision, the contentions raised by the petitioner in this writ petition cannot be accepted and accordingly the writ petition is dismissed. No costs.

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G.ROHINI, J

Dated: 27th December, 2004.

Cs

To

1. The Secretary, Ministry of Health and Family Welfare, Department of Health, Government of India, New Delhi.

2. The Food Inspector, Division-II, Govt. of A.P., Food Health Admn., 6-1-88, Vidyanagar, Nalgonda, Nalgonda District.

3. Two C.Cs. to the Government Pleader for Medical Health and Family Welfare, High Court Buildings, Hyderabad. (O.U.T.)

4. Two C.D. copies.